

The opinion in support of the decision being entered today was not written for publication is not binding precedent of the Board.

Paper No. 44

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHALONG MAA

Appeal No. 2001-0908
Application 08/833,342

DECISION ON PETITION TO MAKE SPECIAL
AND RELEASE OF APPLICATION FOR COPYING/INSPECTION

This is in response to the two combined Petitions filed April 23, 2002, (Paper No. 43), requesting in a first Petition that the above identified application be granted Special Status on the grounds that: (I) there may have been undue delay in the examination proceeding, (ii) applicant used due care and diligence in handling the application, and (iii) the application has been pending more than five years.

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PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
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The Petition has been considered and found not to comply with the requirements set forth under M.P.E.P. Section 708.01 to warrant making the application special before the Board of Patent Appeals and Interferences (Board). However, the application currently is assigned to a Board panel of judges for a decision on the merits of the appeal. Since the application has already been assigned to a Board panel, the Petition is dismissed as being moot.

Applicant also presented a second Petition requesting that the application be released to permit copying and/or inspection to verify the genuineness of the examiner's answer on the grounds that a certified copy of the examiner's answer was not available for copying at this time due to the appeal being before a Board Panel. Applicant kindly furnished a copy of what is perceived as the examiner's answer as Exhibit A.

Although the application can not be released at this time because it is with the Board panel, a review of Exhibit A shows it to be the same as the one of record in the file of the application. Accordingly, the petition is granted to the extent that a review of the application file was made.

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BY ORDER OF THE BOARD OF PATENT
APPEALS AND INTERFERENCES


Bruce H. Stoner, Jr.
Chief Administrative Patent Judge

BHS:crf

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